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E-FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM LESTER JOHNSEN,

Defendant.

No. 07-00722 HRL

STIPULATION AND ~~PROPOSED~~ ORDER EXCLUDING TIME

SAN JOSE VENUE

On December 20, 2007, the parties in this case appeared before the Court for an arraignment on an information. After the defendant was arraigned and entered a plea of not guilty, Assistant Federal Public Defender Cynthia Lie requested, and the government concurred, that the Court schedule the case for a status hearing on February 21, 2008. AFPD Lie explained to the Court that she needs time to obtain the defendant's medical records, and, assuming the Court approves a travel order, the defendant will be on an international trip with his family in mid-January. Assistant United States Attorney Susan Knight then requested an exclusion of time under the Speedy Trial Act from December 20, 2007 until February 21, 2008 in order for the government to provide discovery and due to the defendant's unavailability. The defendant, through AFPD Cynthia Lie, agreed to the exclusion. The undersigned parties agree and stipulate that an

1 exclusion of time is appropriate based on the defendant's need for effective preparation of
2 counsel.

3 SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

5 DATED: 12/20/07

6 /s/
SUSAN KNIGHT
Assistant United States Attorney

7 DATED: 12/20/07

8 /s/
CYNTHIA C. LIE
Assistant Federal Public Defender

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11 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
12 under the Speedy Trial Act from December 20, 2007 to February 21, 2008. The Court finds,
13 based on the aforementioned reasons, that the ends of justice served by granting the requested
14 continuance outweigh the best interest of the public and the defendant in a speedy trial. The
15 failure to grant the requested continuance would deny defense counsel reasonable time necessary
16 for effective preparation, taking into account the exercise of due diligence, and would result in a
17 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
18 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20
21 DATED: 12/26/07

22 Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge